

Message Text

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ACTION L-03

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FM AMEMBASSY OSLO

TO SECSTATE WASHDC 7327

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E.O. 11652: N/A

TAGS: PFOR, CPRS, NO, CY

SUBJECT: EXTRADITION -- CONSTANTINOS ANASTASIOU SYNGRASSIDES

REF: OSLO 2277 STATE 127893

BEGIN SUMMARY. THE NORWEGIAN FOREIGN MINISTRY HAS INFORMED THE EMBASSY BY NOTETHAT SYNGRASSIDES HAS NOW FILED A CLAIM FOR APPROXIMATELY \$4.3 MILLION FOR LOSSES ALLEGEDLY SUFFERED WHILE HE WAS IMPRISONED IN NORWAY PENDING A DECISION ON THE U.S. REQUEST FOR EXTRADITION. HIS PETITION CONTENDS THAT, UNDER THE US-NORWEGIAN TREATY OF EXTRADITION, IT IS THE U.S. GOVERNMENT WHICH MUST ULTIMATELY PAY WHATEVER DAMAGES ARE AWARDED. UNLESS INSTRUCTED TO THE CONTRARY, THE EMBASSY PROPOSES TO INFORM THE FOREIGN MINISTRY OFFICIALLY THAT THE U.S. DOES NOT CONSIDER ITSELF LIABLE FOR SUCH DAMAGES. END SUMMARY.

1. HERewith IS THE FULL TEXT OF THE NOTE RECEIVED FROM THE FOREIGN MINISTRY: QUOTE THE ROYAL MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA, AND, WITH REFERENCE TO THE MINISTRY'S NOTE OF 21ST MAY, 1973, HAS THE HONOUR TO INFORM THE EMBASSY THAT CONSTANTINOS ANASTASIOU SYNGRASSIDES IN ACCORDANCE WITH ACT OF 13TH JUNE, 1908, RELATING TO EXTRADITION OF OFFENDERS SECTION 18, PARAGRAPH 2 HAS DEMANDED COMPENSATION OUT OF THE TREASURY FOR THE HARM SUFFERED BY DETENTION IN CUSTODY. COPIES OF "BEGJAERING TIL OSLO FORHORSRETT" (PETITION TO OSLO MAGISTRATE'S COURT) AND LIMITED OFFICIAL USE

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"PROSESSKRIFT TIL OSLO FORHORSRETT" (PROCESSUAL WRIT TO OSLO

MAGISTRATE'S COURT) DATED 28TH MAY AND 10TH AUGUST RESPECTIVELY, ARE ATTACHED TO THIS NOTE FOR INFORMATION. UNQUOTE.

2. THE FOLLOWING ARE EXCERPTS FROM THE DOCUMENTS SUBMITTED TO THE OSLO MAGISTRATE'S COURT AND THE NORWEGIAN STATE PROSECUTING AUTHORITIES BY SYNGRASSIDES' COUNSEL, OLE CHR. WAERENSKJOLD:

A. IN THE "PETITION", SYNGRASSIDES IS CLAIMING DAMAGES FOR LOSSES INCURRED DURING HIS DETENTION IN CUSTODY, IN ACCORDANCE WITH THE LAW OF EXTRADITION, SECTION 18, PARAGRAPH 2.

B. "IN ACCORDANCE WITH ARTICLE XI OF THE EXTRADITION TREATY OF 1893 BETWEEN THE U.S. AND NORWAY, IT IS THE U.S. AUTHORITIES WHO, IN THE FINAL PHASE, WILL HAVE TO PAY THE BILL FOR DAMAGES TO SYNGRASSIDES, IF SUCH ARE GRANTED. IT IS ASSUMED THAT THE AMERICAN AUTHORITIES WILL HAVE DULY ASSESSED THE POSSIBILITIES OF THEIR RESPONSIBILITIES FOR DAMAGES ALLOWED, PRIOR TO URGING THE NORWEGIAN AUTHORITIES TO ARREST SYNGRASSIDES."

C. "THE AMERICAN AND NORWEGIAN AUTHORITIES WERE FULLY AWARE OF THE VAST LOSSES A DETENTION IN CUSTODY OF MR. SYNGRASSIDES WOULD ENTAIL. THUS NO CUTTING DOWN SYNGRASSIDES CLAIMS FOR DAMAGES ON THE GROUNDS OF IMPREDICTABILITY WOULD BE RELEVANT."

3. THE PROSESSUAL WRIT OF AUGUST 10, 1973 CONTAINS AMENDMENTS AND CORRECTIONS OF FIGURES IN THE ACCOUNT OF SYNGRASSIDES' TRANSACTIONS, ETC., WHICH WERE PRESENTED IN THE PETITION OF MAY 28, BY HIS COUNSEL, FOLLOWING A PERSONAL VISIT BY THE LATTER TO SYNGRASSIDES IN CYPRUS. THE WRITE FURNISHES DETAILED AND COMPLEX ANALYSES OF SYNGRASSIDES' MULTIGARIOUS CHARTERING AND SHIPBROKING AFFAIRS, CHIEFLY INVOLVING THE LICHTENSTEIN FOUNDED CHARTER FIRM OF SOLLYA, DESCRIBED AS AN "ESTABLISHMENT", THE SUM TOTAL OF WHOSE RIGHTS ARE IN THE HANDS OF SYNGRASSIDES SINCE IT WAS FOUNDED IN 1969 AT HIS INSTIGATION. SYNGRASSIDES' TOTAL CLAIM FOR DAMAGES -- INCLUDING ALLEGED LOSS OF CHARTER PARTIES THAT HAD TO BE CANCELLED WHILE HE WAS IN JAIL, LOSS OF COMMISSIONS ON THE CHARTER PARTIES, OTHER EXPENSES STEMMING FROM HIS IMPRISONMENT, AND ATTORNEYS' EXPENSES -- COMES TO \$4,324,854 PLUS 95,235 NORWEGIAN KRONER PLUS 1,251.60 ENGLISH POUNDS (APPROXIMATELY \$4,345,500 IN TOTAL).

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4. COPIES OF THE FOREIGN MINISTRY'S NOTE AND THE TWO ATTACHMENTS ARE BEING POUCHED TO THE DEPARTMENT (ATTENTION: L/SCA).

5. THE EMBASSY BELIEVES THE NORWEGIAN GOVERNMENT SHOULD NOW BE OFFICIALLY INFORMED THAT THE U.S. GOVERNMENT DOES NOT INTEND TO PAY DAMAGES FOR UNLAWFUL IMPRISONMENT. UNLESS INSTRUCTED TO THE CONTRARY, WE WILL DRAW FROM STATE 127893 IN SENDING

A FORMAL REPLY TO THE FOREIGN MINISTRY'S NOTE.

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